

Judge Lasnik

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff

v.

LEWIS JAMES,

Defendant.

NO. CR19-214RSL

~~PROPOSED~~

DISCOVERY PROTECTIVE ORDER

This matter, having come to the Court's attention on the United States' Motion for Entry of a Discovery Protective Order, and the Court, having considered the motion and the reasons stated therein and any objection by the Defendant, and being fully advised in this matter, hereby GRANTS the government's motion and enters the following DISCOVERY PROTECTIVE ORDER:

1. Protected Material

The following documents and materials are deemed Protected Material. The United States will make available copies of the Protected Materials, including those filed under seal, to defense counsel to comply with the government's discovery obligations. Possession of copies of the Protected Materials is limited to the attorneys of record, and investigators, paralegals, law clerks, experts and assistants for the attorneys of record (hereinafter collectively referred to as members of the defense team). This category of

DISCOVERY PROTECTIVE ORDER

*United States v. Lewis James*, CR19-214RSL- 1

UNITED STATES ATTORNEY  
700 STEWART STREET, SUITE 5220  
SEATTLE, WA 98101  
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Protected Materials are deemed "Protected Material":

- a. Law enforcement reports summarizing interviews of the child victim and other witnesses;
- b. Forensic interviews conducted of the child victim;
- c. Audio and video recordings of contacts and interviews with witnesses;
- d. Other written and recorded statements made by the victim and other witnesses;
- e. Grand Jury transcripts;
- f. Medical and other related records relating to therapeutic treatment; and,
- g. Personal and other confidential information concerning the child victim and other witnesses.

As used in this Order, the term "personal information" refers to each victim and witness's full name, date of birth, Social Security number (or other identification information), driver's license number, tribal identification, address, telephone number, location of residence or employment, school records, juvenile criminal records, child welfare, and other confidential information.

## 2. Scope of Review of Protected Material

Defense attorneys of record and members of the defense team may display and review the Protected Material with the Defendant. The attorneys of record and members of the defense team acknowledge that providing copies of the Protected Material to the Defendant and other persons is prohibited, and agree not to duplicate or provide copies of Protected Material to the Defendant and other persons.

The United States Attorney's Office for the Western District of Washington is similarly allowed to display and review the Protected Material to lay witnesses and is allowed to provide copies of Protected Material to expert witnesses. The United States Attorney's Office is otherwise prohibited from providing or disseminating copies of the Protected Material to lay witnesses.

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2     3. Consent to Terms of Protective Order

3         Members of the defense team must acknowledge in writing that they will each be  
4 bound by the terms and conditions of this Protective Order. This acknowledgement need  
5 not be disclosed to the United States unless requested by the Assistant United States  
6 Attorney and ordered by the Court. Similarly, where the United States consults or retains  
7 an expert witness and provides Protected Material to such witness, the United States shall  
8 obtain the expert witness' acknowledgement that they will abide by this Order.

9     4. Parties' Reciprocal Discovery Obligations

10        Nothing in this Order should be construed as imposing any discovery obligations  
11 on the government or the defendant that are different from those imposed by case law and  
12 Rule 16 of the Federal Rules of Criminal Procedure, and the Local Criminal Rules.

13     5. Filing of Protected Material

14        Any Protected Material that is filed with the Court in connection with pre-trial  
15 motions, trial, sentencing, or other matter before this Court, shall be filed under seal and  
16 shall remain sealed until otherwise ordered by this Court. This does not entitle either  
17 party to seal their filings as a matter of course. The parties are required to comply in all  
18 respects to the relevant local and federal rules of criminal procedure pertaining to the  
19 sealing of court documents.

20     6. Non-Termination

21        The provisions of this Order shall not terminate at the conclusion of this  
22 prosecution.

23     7. Violation of Protective Order

24        Any violation of any term or condition of this Order by the Defendant, his  
25 attorney(s) of record, any member of the defense team, or any attorney for the United  
26 States Attorney's Office for the Western District of Washington, may be held in contempt  
27 of court, and/or may be subject to monetary or other sanctions as deemed appropriate by  
28 this Court.

1 If the Defendant violates any term or condition of this Order, the United States  
2 reserves its right to seek a sentencing enhancement for obstruction of justice, or to file  
3 any criminal charges relating to the Defendant's violation.

4 DATED this 5<sup>th</sup> day of December, 2019.

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8 THE HONORABLE ROBERT S. LASNIK  
9 UNITED STATES DISTRICT COURT JUDGE

10 Presented by:

11  
12 s/Ye-Ting Woo

13 YE-TING WOO

14 Assistant United States Attorney  
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